

Depo of Glenn Buttermann

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MINNESOTA

3
4 Dr. Gregory Sherr, Civil File No.
5 Plaintiff, 0:16-CV-03075-ADM/LIB

6 v.

7 HealthEast Care System, CentraCare Health,

8 Dr. Margaret Wallenfriedman, Dr. Mary

9 Elizabeth Dunn, Dr. Richard Gregory, Dr.

10 Stephen Kolar, Dr. Jerone D. Kennedy and

11 Archie Defillo,

12 Defendants.

13
14
15 Deposition of GLENN BUTTERMANN, M.D.

16 taken on Monday, July 23, 2018

17 commencing at 1:35 p.m.

18
19
20 REPORTER: Sandra D. Burch, RPR, CRR

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1 **A Okay.**

2 **Q -- in February of 2016 that resulted in his**
3 summary suspension being overturned and his
4 privileges reinstated.

5 Are you aware of that?

6 **A So not exactly the details. I know there**
7 **was things going back and forth, but I'm not**
8 **sure if I actually knew the final outcome**
9 **which you're alluding to.**

10 **Q Right. And my interest is in your knowledge**
11 based on your status as a
12 shareholder/partner at MSBI and discussions
13 you were involved in around that time.

14 Do you understand?

15 **A Uh-huh.**

16 **Q Do you recall MSBI, as a partnership, having**
17 any discussions about Dr. Sherr after he had
18 successfully appealed his summary suspension
19 and secured its reversal?

20 **A No. I don't remember exactly the discussion**
21 **for that. But I do remember discussions**
22 **regarding the other systems, too, which**
23 **subsequently let him go as well, after the**
24 **HealthEast termination.**

25 **Q You have an understanding --**

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1 **A** Specifically, Allina let him go, too. So
2 there was kind of a cascade of terminations.
3 And so, I don't remember where the appeal
4 ended up, and I don't remember -- it's too
5 far back to remember exactly what came of
6 that.

7 **Q** Well, let me ask you this: In that time
8 frame, in the late winter/early spring of
9 2016, could Dr. Sherr have been kept on as
10 an employee at MSBI in the situation that
11 you understood to be occurring at that time?

12 **A** Could he have? I mean, other than his
13 reputation being totally ruined? I don't
14 know.

15 **Q** And why do you say you feel at that point
16 his reputation had been totally ruined?

17 **A** Well, he was talking Tom O'Connor knew about
18 it. All the hospital administrators knew
19 it. He wasn't getting any referrals.
20 Nowadays, his private practice is
21 disappearing. We depend on the system's
22 referrals. Well, the systems that, you
23 know, canned him. Why would they refer to
24 us? We can't afford his salary if he
25 doesn't have any revenue.

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1 Q And was that the nature of the discussion
2 that occurred at the partnership level?

3 A No. That's my opinion right now.

4 Q Right. But did --

5 A I don't remember that.

6 Q Okay. Remember that instruction earlier
7 that Mr. Falknor provided you? Wait until I
8 ask my question before answering it. I'm
9 going to do the same for you.

10 A All right.

11 Q I'm going to wait until you finish before I
12 ask the next question.

13 Do you recall any discussion at the
14 MSBI partner, ownership, shareholder level
15 in that time period about Dr. Sherr's
16 reputation and the viability of his practice
17 continuing in this geographic region?

18 A Yes.

19 MS. MOEN: Outside of peer
20 review.

21 THE WITNESS: I recall that,
22 yes.

23 BY MR. SCHAEFER:

24 Q And what was the nature of the discussion
25 you recall?

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1 **A** Well, that his reputation had been ruined
2 and that the referrals would probably go
3 away.

4 **Q** Okay.

5 **A** In general terms. I don't remember the
6 details, but in general terms.

7 **Q** Okay. And MSBI at that time made the
8 difficult decision to close the St. Cloud
9 clinic; correct?

10 **A** It was killer for us. We had all this
11 staff. We had, you know, these leases we
12 already paid on we couldn't get out of.

13 **Q** And that was -- you earlier described the
14 financial harm to MSBI that occurred because
15 of this HealthEast peer review process. Is
16 that what you're talking about?

17 **A** Exactly. But we had some contracting issues
18 as well. That compounded it. But this
19 HealthEast thing, that's what drove it.

20 **Q** What was the -- what were the nature of the
21 contracting issues? Just generally describe
22 those for me, if you can.

23 **MS. MOEN: Objection to the**
24 **extent the question would seek to disclose**
25 **any business confidential information, but**

1 STATE OF MINNESOTA)
2) ss.
3 COUNTY OF SCOTT)

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4 Be it known that I took the deposition of GLENN
5 BUTTERMANN, M.D. on the 23rd day of July, 2018, in
6 Stillwater, Minnesota;

6 That I was then and there a Notary Public in and for
7 the County of Scott, State of Minnesota and that by
8 virtue thereof, I was duly authorized to administer
9 an oath;

8 That the witness before testifying was by me first
9 duly sworn to testify the whole truth and nothing but
10 the truth relative to said cause;

11

11 That the testimony of said witness was recorded in
12 Stenotype by myself and transcribed into typewriting
13 under my direction, and that the deposition is a true
14 record of the testimony given by the witness to the
15 best of my ability;

16

16 That the cost of the original transcript has been
17 charged to the party noticing the deposition, unless
18 otherwise agreed upon by Counsel, and that copies
19 have been made available to all parties at the same
20 cost, unless otherwise agreed upon by Counsel;

21

21 That I am not related to any of the parties hereto
22 nor interested in the outcome of the action;

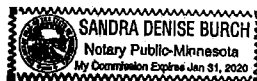
22 That the reading and signing of the deposition by the
23 witness and the Notice of filing were not waived;

24

24 WITNESS MY HAND AND SEAL this 30th day of July,
25 2018.

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Sandra Burch

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Sandra D. Burch, RPR, CRR

30

My Commission expires January 31, 2020